

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROPICAL FRUIT, S.E.;
AVSHALOM LUBIN;
CESAR OTERO ACEVEDO; and
PEDRO TOLEDO GONZALEZ,

Defendants.

Civil Action No. 97-1442-DRD

NOTICE OF LODGING

TO THE HONORABLE COURT:

Plaintiff, the United States of America, hereby notifies the Court that it is lodging herewith a Settlement Agreement in this case pending solicitation and consideration of public comments, in accordance with 28 C.F.R. § 50.7 and 42 U.S.C. § 9622(i).

In accordance with Department of Justice policy, 28 C.F.R. § 50.7, and 42 U.S.C. § 9622(i), the Department of Justice will publish in the Federal Register a notice of the lodging of this Consent Decree. This publication will initiate a 15-day comment period. The United States will advise the Court when the public comment period has expired. During the pendency of the public comment period, no action is required of the Court.

After the close of the public comment period, the United States will evaluate any comments received and will move for entry of the Settlement Agreement, unless the comments disclose facts or considerations which indicate that the proposed Settlement Agreement is inappropriate, improper or inadequate.

Dated this 13th day of September, 2005.

Respectfully Submitted,

KELLY A. JOHNSON
Acting Assistant Attorney General
Environment and Natural Resources Division

/s/ Henry S. Friedman
HENRY S. FRIEDMAN, Senior Attorney
USDC No. G00105
JEROME MACLAUGHLIN
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
U.S. Department of Justice
Benjamin Franklin Station
P.O. Box 7611
Washington, D.C. 20044
(202) 514-5268

H.S. GARCIA
United States Attorney
District of Puerto Rico

ISABEL MUNOZ
Assistant United States Attorney
USDC No. 128302
District of Puerto Rico
Federal Building, Room 452
Chardon Avenue
Hato Rey, Puerto Rico 00918
(787) 766-5656

OF COUNSEL:

ERIC SCHAAF, Regional Counsel
NAOMI SHAPIRO, Assistant Regional Counsel
LOURDES RODRIGUEZ, Assistant Regional Counsel
U.S. Environmental Protection Agency Region II
290 Broadway, 16th Floor
New York, New York 10007
(212) 637-3221

CERTIFICATE OF SERVICE

I, Henry S. Friedman, hereby certify that on September 13, 2005 the **United States' Notice of Lodging and Settlement Agreement** were filed electronically with the Clerk of Court using the CM/ECF System which will send notification to Jaime Sifre, Esq. and Marta E. Vila Baez, counsel for Defendants. In addition, copies of the **United States' Notice of Lodging and Settlement Agreement** were also served on September 13, 2005, by electronic mail to jsifre@sbsmnr.com and mvila@sbsmnr.com.

/s/ Henry Friedman
HENRY S. FRIEDMAN